

WATER PERMIT NO. 1951-1

Name of Applicant: No Name City Luxury Cabins & RV

Address: 20899 Pleasant Valley Dr, Sturgis SD 57785 Phone: 605 490-8909

Amount of Water Claimed: 0.022 cfs Total Acres: NA

Source of Water Supply: groundwater (one well)

Water to be used for: commercial County: Meade

Type of Waste Disposal System:

Location: 3 miles southeast of Sturgis along I-90

PRIORITY Date Received: 3-6-15 Application/License Fee: \$ 300

Corrected Application Received: 3-26-15 Period of Annual Use: January 1 – December 31

Remarks:

Diversion Point: NW 1/4 SW 1/4 Sec 25-T5N-R5E

Land to be Irrigated: NA

Depth of Well: 1090 feet deep

Well Driller: Rapid Drilling

Remarks:

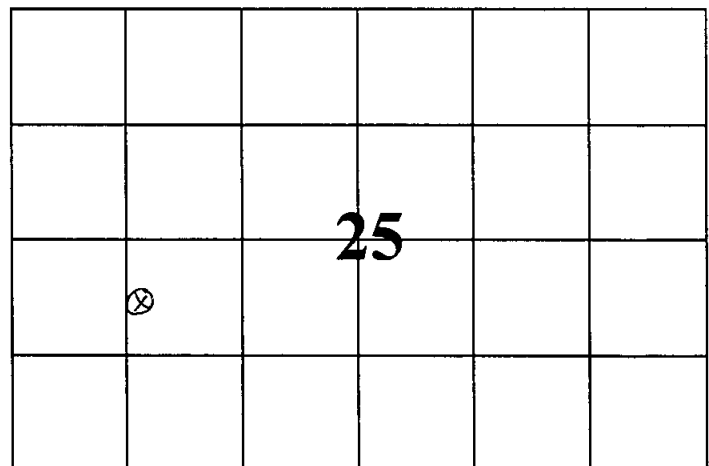
Type of Map: aerial

Prepared by:

Reviewed and the Number Assigned on: 3-26-15

By: **Karen Schlaak**

Notice of Hearing - date to intervene: _____



Mail to:
PMB 2020
DENR - Water Rights
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

(office use only)
No. 1951-1 Hydrologic Unit 10120202
Basin Belle Fourche River
Newspaper Meade Co Times Tribune, Sturgis
Black Hills Pioneer, Spearfish

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Application For Permit To Appropriate Water Within The State Of South Dakota

Check use(s) of water:

☐ Municipal ☐ Suburban Housing ☐ Recreational ☐ Institutional
☐ Rural Water System ☒ Commercial ☐ Fish & Wildlife ☐ Geothermal Heat
☐ Domestic (over 18 gpm) ☐ Industrial ☐ Other _____

Type of Application: (check one)

☒ New ☐ Vested Right (Use predates Mar 2, 1955) ☐ Future Use Reservation
☐ Place to Beneficial Use Water Reserved by Future Use Permit No. _____
☐ Amendment/Correction to Permit No. _____

Description of amendment/correction: (i.e. change diversion point(s), add diversion point(s), change use, etc.)

- Name to Appear on Water Permit No Name City Luxury Cabins & R.V.
(check one) ☒ Owner ☐ Tenant/lessee ☐ Owner's Legal Agent Roger & Tanya Ludwick
(name and complete address if different than above name)
Mailing Address 20899 Pleasant Valley Dr Sturgis SD 57785
(Address) (City) (State) (Zip Code)
Home Phone 605 347 8891 Cell 605 490 8909 Email camping@nonamecity.com
- Amount of water claimed 0.022 *CFS or 10 **GPM ***AF
(*Cubic Feet per Second) (**Gallons per Minute) (**Acre Feet - storage capacity of dam/dugout or annual use if applicable)
- Source of water supply Well 25 (NW 1/4 SW 1/4)
- Location of point of diversion Section 26, T5N-R5E County Meade
(example - 3 wells in SW1/4 NE1/4 section 12-T104N-R53W)
If not a public water supply (e.g. municipal), will water be used outside of the area described above? ☐ Yes ☒ No
If "Yes," where will water be used? _____
(example - NW1/4 section 12-T104N-R53W)
- County or counties where water will be used Meade
- Annual period during which water is to be used Year Around Jan 1 - Dec 31
- Give a description of the project. When available include any preliminary engineering report or other reports or information that will help explain the project. (Attach sheet if more space is needed)

Currently there is no water source for this campground. We have many people living here and a consistent water source is a necessity. We currently haul water daily from the City of Sturgis.

I, R. Ludwick, the applicant, certify that I have read this application, have examined the attached map, and that the matters stated are true.

SOUTH DAKOTA
WATER PERMIT NO. 1951-1

Date of first receipt of application March 6, 2015.

Date of return to applicant for corrections, amendments or changes March 6, 2015.

Date of receipt of corrected application March 16, 2015.

The Chief Engineer, on behalf of the Water Management Board, issues Water Permit No. 1951-1 to No Name City Luxury Cabins & R.V., c/o R. J. Ludwick, 20899 Pleasant Valley Dr, Sturgis SD 57785 authorizing the construction of the water use system and the placing of water to beneficial use subject to the following limitations, conditions and qualifications:

1. Water Permit No. 1951-1 appropriates 0.022 cubic feet of water per second (10 gallons per minute) from one well completed into the Madison Aquifer (1090 feet deep) located in the NW 1/4 SW 1/4 Section 25-T5N-R5E.
2. The water appropriated shall be used for the purpose of commercial use and may not exceed the amount of water needed for beneficial use.
3. The water is to be used during the following described annual period: January 1 – December 31.
4. The date of approval of Permit No. 1951-1 is June 22, 2015.
5. The date from which applicant may claim right is March 6, 2015.
6. One-fifth of the construction is to be completed on or before December 22, 2017.
7. All construction is to be completed on or before June 22, 2020.
8. Water is to be put to beneficial use on or before June 22, 2024.
9. Water rights obtained in compliance with the laws of the State of South Dakota may not be unlawfully impaired by this appropriation.

QUALIFICATIONS

1. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 1951-1 is issued for a twenty year term. Pursuant to SDCL 46-2A-21, the twenty year term may be deleted at any time during the twenty year period or following its expiration. If the twenty year term is not deleted at the end of the term, the permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 1951-1 may also be cancelled for nonconstruction, forfeiture, abandonment or three permit violations pursuant to SDCL 46-1-12, 46-5-37.1 and ARSD 74:02:01:37.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. The well authorized by Permit No. 1951-1 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.

(continued)

4. Water Permit No. 1951-1 authorizes a total annual diversion of 3.1 acre feet of water annually from the Madison aquifer.
5. The Water Permit Holder shall report to the Chief Engineer annually the amount of water withdrawn from the Madison aquifer.

WATER MANAGEMENT BOARD

By: *Jeanne Goodman*
Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 04 2015

date



Supplemental Information

(type or print)

1. Well Information (check one or both as applicable) ☒ Drilling new well(s) ☐ Using existing well(s) Rapid Drilling
- a) If new wells, how many 1 Have test holes been drilled ☒ Yes ☐ No Drilled by Willie Venekamp
(if yes, please provide copies of logs)
- b) If existing wells, how many Provide copy of log(s), if available. Drilled by
- c) Well Depth 1090 Depth to Top of Water Bearing Material 800 Depth to Water from Surface 600
- d) Distance to nearest existing domestic well: - well was abandoned by previous owners - no water
On applicant's property 150 yards On property owned by others

2. Wastewater Disposal System Information

- a) Type of System (i.e. septic tank, drain field)
- b) System Capacity (gallons) Year Constructed
- c) Connected to the City of Sanitary System

3. Dugout Information

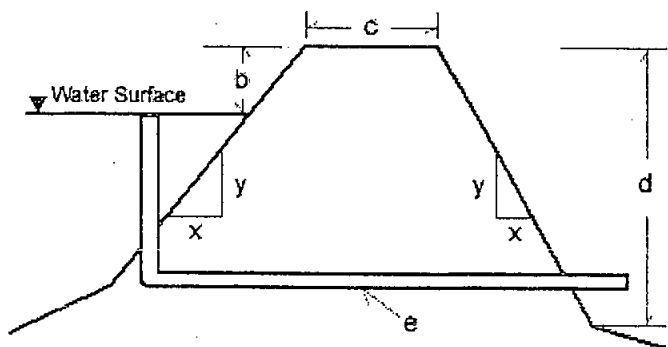
- a) Surface Dimensions Depth
- b) Depth to water (ground surface to water level)

4. Water Storage Dams

If the proposed water use system contains one or more storage dams, please furnish the information requested below for each dam. The locations of the dams need to be shown on the map submitted with the application.

- a) If a private engineering firm or government agency was involved in the design of this dam, please give their name and address:

- b) Freeboard
- c) Crest Width
Crest Length
- d) Height
- e) Primary Outlet Capacity
If pipe, diameter
- f) Secondary Spillway Capacity
Spillway Width
- g) X & Y Slope (e.g. 3 to 1 is a typical slope)
Upstream
Downstream
- h) Surface Area of Impoundment
- i) Storage Acre Feet
- j) Drainage Area Above Dam Acres



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Sec 23
T005N
R05E

Sec 24
T005N
R05E

Sec 19
T005N
R06E

Sec 26
T005N
R05E

Sec 25
T005N
R05E

Sec 30
T005N
R06E

Sec 35
T005N
R05E

Sec 36
T005N
R05E

Sec 31
T005N
R06E



PARCEL: 11.58-0672



Certification of Owner-Occupied Dwelling

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Being designated as owner-occupied makes a property eligible for a reduced levy for school general fund taxes. To qualify, you must complete this form and deliver it to your County Director of Equalization at the County Courthouse by March 15, 2015. (Postmarked by March 15, 2015 qualifies.)

Applicant Information (Print or Type)

Property Owner Name

Roger A Ludwick Jr.

PHONE: 605490 8909

EMAIL:

Mailing Address

20899 Pleasant Valley Dr.

City

Sturgis

State/Zip Code

SD 57785

I owned the property described below on November 1, 2014..... ☒ Yes ☐ No

I occupied the property described below on November 1, 2014..... ☒ Yes ☐ No

This is the only property for which I can claim the owner-occupied classification..... ☒ Yes ☐ No

The property described below is my principle residence as of November 1, 2014..... ☒ Yes ☐ No

I own other residential property in the United States..... Yes ☒ No

If yes, state location _____

Property Information

Street Address of the property I owned and occupied on November 1, 2014.

Same

Legal description of the property I owned and occupied on November 1, 2014.

Lot GF-1R Pleasant Valley

Percentage of property occupied by owner? 100

(If the owner occupies less than fifty percent of the living space within the dwelling, the portion of the dwelling so occupied shall be classified as an owner-occupied single-family dwelling.)

Does the above-described property include a registered mobile home? Yes ☒ No

Single-family, owner-occupied dwelling is defined as: a house, condominium apartment, townhouse, residential housing consisting of four or fewer family units, town house, town home, housing cooperative where membership in the cooperative is strictly limited to stockholders, occupants of the building, manufactured or mobile home as defined in SDCL 32-3-1, or any property, building or structure occupied by the owner, which is assessed and taxed as a separate unit, including an attached or unattached garage and the parcel of land on which the structure is situated as recorded in the records of the director of equalization.

An owner may have more than one parcel of land classified as owner-occupied if the additional parcel is contiguous to the parcel containing the owner-occupied house. Each parcel that is contiguous, under the same ownership and used as one property shall be considered as owner-occupied. A property is also considered contiguous if separated by a street or alley from the parcel containing the owner-occupied house.

If the dwelling is occupied by a parent of the owner, the parent is considered the owner and occupant of the single-family dwelling.

The owner or a legal representative of the owner may sign for signature purposes on the certification of owner-occupied dwellings.

Signature

I hereby state that the above information is correct to the best of my knowledge. Furthermore, I acknowledge that this is the only single-family, owner-occupied dwelling for which I am requesting certification. I further understand that submission of falsified information on this form is perjury and constitutes a Class 5 felony punishable by five years in jail and/or a \$5,000 fine.

Signature

R. Ludwick

Date

12-2-14

This form must be completed and returned to your County Director of Equalization by March 15, 2015.

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/26, 20 15

RECEIVED OF No Name City Luxury Cabins 20899 Pleasant Valley Rd Sturgis SD 57785

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. <u>1951-1</u> to Appropriate Water, to construct and to put water to beneficial use	100	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	100 00

No. 07331

By Jeanne L. Leland
Chief Engineer

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Environment and Natural Resources

Date 3/6, 20 15

RECEIVED OF No Name City Luxury Cabins 20899 Pleasant Valley Rd Sturgis SD 57785

The following amount in fees for services rendered as provided for by law:

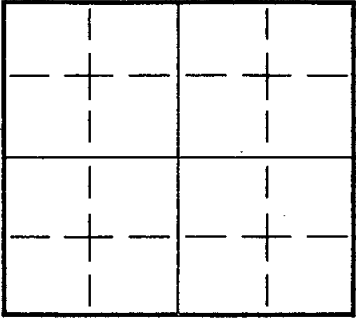
Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	200	00
Fee for Application for Permit No. _____ to Appropriate Water for Future use		
Fee to retain Future Use Permit No. _____ after period of seven years.		
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. <u>1951-1</u>		
Fee for Filing Transfer Form _____		
Fee for _____		
Fee for Issuing New Well Driller's License No. _____ for C.Y. _____		
Fee for Renewal of Well Driller's License No. _____ for C.Y. _____		
Fee for Issuing Well Pump Installer's License No. _____ for C.Y. _____		
Fee for Renewal of Well Pump Installer's License No. _____ for C.Y. _____		
(Any Other Work Provided by Law)	TOTAL	200 00

No. 07310

By J. [Signature] Chief Engineer

SOUTH DAKOTA WATER WELL COMPLETION REPORT

07-92

Location LOT GF-1R 1/4 Sec 26 Twp SN Rg 5E
 County Meade
 Please mark well location with an "X"
 W  E
 North
 Well-Completion Date 1-2-15
 1 Mile

LOCATION:
 Distance from nearest potential pollution source (septic tank, abandoned well, feed lot, etc.)? 300 ft. from Septic (identify source).

PROPOSED USE:
☐ Domestic/Stock ☐ Municipal ☒ Business ☐ Test Holes
☐ Irrigation ☐ Industrial ☐ Institutional ☐ Monitoring well

METHOD OF DRILLING:Air Rotary

CASING DATA: ☒ Steel ☐ Plastic ☐ Other

If other describe _____

PIPEWEIGHT	DIAMETER	FROM	TO	HOLE DIAMETER
<u>17</u> LB/FT	<u>5.5</u> IN	<u>0</u> FT	<u>840</u> FT	<u>778</u> IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN
_____ LB/FT	_____ IN	_____ FT	_____ FT	_____ IN

GROUTING DATA

Grout Type	No. of Sacks	Grout Weight	From	To
<u>Grout Cement</u>	<u>50</u>	_____ lb./gal	<u>0</u> ft	<u>544</u> ft
<u>Cement</u>	<u>55</u>	_____ lb./gal	<u>544</u> ft	<u>840</u> ft

Describe grouting procedure Pressure Grouted
Through casing.

SCREEN: ☐ Perforated pipe ☐ Manufactured
 Diameter _____ IN Length _____ FEET
 Material _____
 Slot Size _____ Set From _____ Feet to _____ Feet
 Other information _____

WAS A PACKER OR SEAL USED? ☐ YES ☒ NO
 If so, what material? Cemented on bottom.
 Describe packer(s) and location? _____

DISINFECTION: Was well disinfected upon completion?
 YES, How: _____

Laboratory sent to for water quality analysis

☒ NO, Why Not?
Not completed.

Well Owner: R.J. and Tanya Ludwick
 Business Name: NO Name city campground.
 Address: 20899 Pleasant Valley Dr.
Sturgis, SD. 57785

WELL LOG:

FORMATION	DEPTH	
	FROM	TO
<u>Spears sh</u>	<u>0</u>	<u>140</u>
<u>minekata</u>	<u>140</u>	<u>185</u>
<u>opeche</u>	<u>185</u>	<u>280</u>
<u>Minelusa</u>	<u>280</u>	<u>820</u>
<u>Madison</u>	<u>820</u>	<u>1090</u>

STATIC WATER LEVEL 595 Feet

If flowing: closed in pressure _____ PSI

GPM flow _____ through _____ inch pipe

Controlled by ☐ Valve ☐ Reducers ☐ Other _____

Reduced Flowrate _____ GPM

Can well be completely shut in? _____

WELL TEST DATA:

☐ Pumped Describe: Air Developed
☐ Bailed
☒ Other _____

Pumping Level Below Land Surface
1090 ft. After 1 Hrs. pumped 40 GPM

800 ft. After 12 Hrs. pumped 10 GPM

If pump installed, pump rate _____ GPM

REMARKS**RECEIVED****FEB 13 2015****WATER RIGHTS PROGRAM**

This well was drilled under license # 739

And this report is true and accurate.

Drilling firm Rapid Drilling

Signature of License Representative: _____

Signature of Well Owner or Equitable Property Holder: _____

Date: 1/2/15

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NOV 26 2014

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Rapid Drilling LLC
22478 Bennett Road
Rapid City, SD 57701
605-391-7366 605-391-5591

November 26, 2014

DENR
Water Rights Program
Joe Foss Building
523 East Capitol
Pierre, SD 57501

Attn: Ken Buhler

Dear Ken,

Rapid Drilling would like to request permission to proceed with drilling a Madison well prior to a permit being issued for the No Name City, 20899 Pleasant Valley Dr, Exit 34, Sturgis, South Dakota 57785. This well will be for commercial use and is located in Section 26 Range 5 Township 5 Lot GF-1R, Pleasant Valley Subdivision, Meade County, South Dakota, as shown on the plat filed in Book 11, Page 92. This legal description was provided by the client and is assumed to be correct for this purpose.

The well will be cased with 5 inch steel casing to the top of the Madison formation and cement grout will be used. The estimated depth will be 950 feet and the Madison will be open hole produced.

Please fax permission to proceed to 605-348-1880.

Thank you,



Willis Venekamp



**DEPARTMENT OF ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov



December 1, 2014

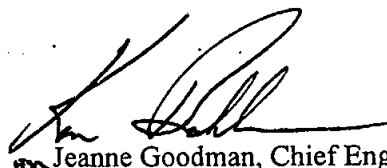
Willis Venekamp
Rapid Drilling
22478 Bennett Road
Rapid City, SD 57701

Dear Mr. Venekamp:

As requested, pursuant to South Dakota Well Construction Standard 74:02:04:21, Rapid Drilling is authorized to construct a test well for No Name City approximately 950 feet deep prior to approval of a water permit. The test well will be located in the Section 26, T5N-R5E. All test wells must be constructed in accordance with the SD Well Construction Standards. Any test holes that are abandoned must be plugged pursuant to the SD Well Construction Standards.

Authorization must be obtained before water from the well can be used. Approval of this test well does not assure issuance of a water permit. Following review of a Water Permit Application; and assessing the availability of water, the potential impacts to existing users, the beneficial use, and the public interest of a permit, the Chief Engineer will make a recommendation to the Water Management Board regarding the application. The recommendation to approve, deny, or defer the application will be publicly noticed and an opportunity afforded for the public to intervene. A public hearing may be required to consider the water permit.

Sincerely,


for Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

Cc: No Name City
20899 Pleasant Valley Drive
Sturgis, South Dakota 57785



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

February 26, 2015

R J and Tanya Ludwick
No Name City Campground
20899 Pleasant Valley Dr
Sturgis SD 57785

Dear Mr. & Mrs. Ludwick:

A well driller's report filed by Rapid Drilling indicates a well was completed for No Name City Campground on January 2, 2015. Based on the information in the report, you are required to have a water permit for this commercial water use.

1. According to state law, a water permit is needed for any water use except for reasonable, private domestic use. Examples of commercial uses that require a water rights permit are: truckstops; motels; restaurants; bars; clubs; tourist attractions; campgrounds or any other business operation.
2. Also, as a new well owner, you need to be aware of some of your responsibilities. Enclosed is a copy of "Well Owner Responsibilities". Please review these responsibilities to ensure you are complying with all of the requirements.

Enclosed is an application form and instruction sheet to apply for a water permit. The completed form with the application fee and map can be returned to: Water Rights Program, 523 E. Capitol, Pierre, SD 57501. Please respond by April 1, 2015.

As stated in our letter dated December 1, 2014 to Rapid Drilling of which you were sent a copy, authorization to drill a test well does not assure issuance of a water permit.

If help is needed completing the application forms, please contact Ron Duvall or me at (605) 773-3352. We will be happy to assist you in any way possible.

Sincerely,

Karen Schlaak
Water Rights Program
karen.schlaak@state.sd.us

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

March 6, 2015

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MAR 16 2015

WATER RIGHTS
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No Name City Luxury Cabins & RV
Roger & Tanya Ludwick
20899 Pleasant Valley Dr
Sturgis SD 57785

Dear Mr. & Mrs. Ludwick:

Thank you for submitting the *Application for a Permit to Appropriate Water* for commercial use in Meade County. In order to complete the application, the following is required.

- Enclosed is the aerial photo map submitted with the application. The map needs to reference a government section corner or quarter corner including section, township and range. For your use, I have enclosed a map with those designations. Please mark the proposed well location with an "X".
- Also, the application states the well is located in Section 26-T5N-R5E. The Certification of Owner-Occupied Dwelling states the legal description as Lot GF-1R Pleasant Valley. It appears from the aerial map that the well is located in the NW 1/4 SW 1/4 Section 25-T5N-R5E. Do you agree with this change on the application? *Yes RJ Ludwick*
- The application/license fee is \$300.00. You have submitted a check for \$200.00. An additional \$100.00 is required.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

enclosure



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

March 16, 2015

No Name City Luxury Cabins & RV
Roger & Tanya Ludwick
20899 Pleasant Valley Dr
Sturgis SD 57785

Dear Mr. & Mrs. Ludwick:

We received the aerial photo map and clarification of the legal description of the well location regarding your *Application for a Permit to Appropriate Water* for commercial use.

As stated in my letter dated March 6th, an additional \$100.00 is required.

Upon receipt the fee, further processing of your application will continue. If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
karen.schlaak@state.sd.us

Gronlund, Eric

From: Gronlund, Eric
Sent: Wednesday, May 27, 2015 9:47 AM
To: 'camping@nonamecity.com'
Subject: water permit application

Mr. & Mrs. Ludwick:

No Name City has a water permit application pending with the Department of Environment and Natural Resources. The pending application is to authorize diversion of water at a rate of 10 gallons per minute from a well completed into the Madison aquifer for use at No Name City. The application seeks year round use. Besides authorizing a diversion rate, the permit is also to be quantified on a yearly volume of water use in gallons which was not provided on the application.

I realize this may be difficult to estimate given the use in the summer is likely much greater than winter months. Possible ways to calculate would be 1) if you know the average number of hours a day the pump will run, I can calculate a yearly volume, 2) if you know the average number people that would be at No Name City and apply a use rate of 130 gallons per day per person (this is the high end of intended water use), or 3) apply a 60% pump rate which would likely over estimate water use but is a general rule of thumb – in this case that would equate to about 3 million gallons per year.

Once we have a annual volume, No Name City's water permit application is ready to be public noticed. The recommendation is for approval.

Thanks

Eric Gronlund
Water Rights Program, DENR
605 773-3352
Eric.gronlund@state.sd.us

No. 1951-1

Water Rights Program - DENR
Conversation File Documentation

NAME OF PERSON OR FILE: Application No. 1951-1, No Name City Luxury Cabins & RV

ADDRESS: COUNTY: Meade

DATE: May 27, 2015 TELEPHONE

RE: annual volume of water use by No Name City Luxury Cabins & RV

RJ Ludwick called regarding my email I sent him earlier in the day regarding the annual volume of water used by No Name City. He said he reviewed the last two years of records and found 330,000 gallons of use in 2014 when he owned No Name and the prior owner indicated water use of 500,000 gallons in 2013.

He stated that he now has a cistern that provides some storage. Water is diverted from the well at 10 gpm and from the cistern at a higher rate to meet demand. I told him that was perfectly acceptable as long as the peak diversion rate from the well does not exceed 10 gpm. He said that is correct, the pump rate from the well is 10 gpm.

He said when he needs water at time of the rally or a family reunion, the well needs to run a lot to meet the demands of the showers, etc. Other times it hardly runs at all.

I indicated that it may be wish in setting a volume limit to be on the high side and provide for reasonable growth. He agreed that about a million gallons per year would be adequate. That equates to 3.06 acre feet annually. Rounding that number provides for 3.1 acre feet of water use by No Name City.

NAME: Eric Lundberg



**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

**RECOMMENDATION OF CHIEF ENGINEER FOR WATER PERMIT
APPLICATION NO. 1951-1, No Name City Luxury Cabins & R.V.**

Pursuant to SDCL 46-2A-2, the following is the recommendation of the Chief Engineer, Water Rights Program, Department of Environment and Natural Resources concerning Water Permit Application No. 1951-1, No Name City Luxury Cabins & R. V., c/o R. J. Ludwick, 20899 Pleasant Valley Drive, Sturgis SD 57785.

The Chief Engineer is recommending Approval of Application No. 1951-1 with a 20 year term pursuant to SDCL 46-1-14 and 46-2A-20 because 1) although evidence is not available to justify issuing this permit without a 20 year term limitation, there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use, and 4) it is in the public interest with the following qualifications:

1. In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 1951-1 is issued for a twenty year term. Pursuant to SDCL 46-2A-21, the twenty year term may be deleted at any time during the twenty year period or following its expiration. If the twenty year term is not deleted at the end of the term, the permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 1951-1 may also be cancelled for nonconstruction, forfeiture, abandonment or three permit violations pursuant to SDCL 46-1-12, 46-5-37.1 and ARSD 74:02:01:37.
2. The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
3. The well authorized by Permit No. 1951-1 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) pursuant to Section 74:02:04:28.
4. Water Permit No. 1951-1 authorizes a total annual diversion of 3.1 acre feet of water annually from the Madison aquifer.
5. The Water Permit Holder shall report to the Chief Engineer annually the amount of water withdrawn from the Madison aquifer.

See report on application for additional information.

Jeanne Goodman, Chief Engineer

May 27, 2015

Report to the Chief Engineer

Application No. 1951-1 No Name City Luxury Cabins and RV May 14, 2015

Water Permit Application Number 1951-1 proposes to appropriate water from the Madison aquifer at a maximum rate of 0.022 cubic feet per second (cfs). The well depth for this application is 1,090 feet located in the NW ¼ SW ¼ Section 25-T5N-R5E. The water is to be used for commercial use.

Prior to this No Name City Luxury Cabins and RV held Water Permit No. 1758-1. This water permit was canceled in 2007 due to the well not being constructed (Water Rights, 2015b).

Aquifer: Madison (MDSN)

Aquifer Characteristics and Hydrogeology

The Madison aquifer is a regional aquifer that underlies portions of Montana, Nebraska, North Dakota, South Dakota, Wyoming, and Canada (Peterson, 1984). This aquifer occurs within the Mississippian aged Madison Limestone. The Madison Limestone is locally referred to as the Pahasapa Limestone in the Black Hills. The Madison aquifer typically occurs within the upper portion of the Madison Limestone where solution features and fractures have increased the permeability of the Madison Limestone (Greene, 1993).

The Madison limestone is a generally massive gray to buff limestone that is locally dolomitic (Strobel et al., 1999). The upper portion is karstic in nature containing solution features that result in widespread secondary permeability (Kyllonen and Peter, 1987). The primary porosity of the aquifer is low, with average porosity being estimated at 11% and effective porosity estimated at 5% (Rahn, 1979). However aquifer characteristics are variable due to the local heterogeneity of the aquifer as a result of joints, fractures, solution features and regional variation in the aquifer (Greene et al., 1999). The Madison underlies the Minnelusa Formation with the lower portion of the Minnelusa acting as a confining layer between the two aquifers, which may have increased permeability in the area of the outcrop as a result of brecciation and fractures from folding (Kyllonen and Peter, 1987). Putnam and Long (2007) postulate that “the hydraulic connection between the Madison Limestone and the Minnelusa Formation is spatially variable and probably results from faults, fractures, and breccia pipes.” Aquifer tests in the Madison aquifer conducted in the Spearfish area reported on in Greene et al. (1999) did not observe drawdown in area Minnelusa observation wells. Additionally Madison aquifer tests in the Western Rapid City area reported on in Greene (1993) showed drawdown in the Madison aquifer only at the study’s Canyon Lake site; however, at the study’s City Quarry site drawdown in both the Madison and the Minnelusa was observed. The head differences

between the aquifers would indicate that these aquifers can be expected to be hydrologically separate. The lower part of the Madison Limestone and the Englewood Limestone serve as a confining layer between the Madison and the underlying Deadwood (Greene, 1993).

In the Black Hills, the Madison aquifer is recharged by streamflow losses and infiltration of precipitation where the Madison outcrops (Carter et al. 2001a). Carter et al. (2001a) estimates combined average annual recharge from precipitation and streamflow to the Madison and Minnelusa aquifers in the Black Hills area for water years 1931-1998 at 344 cfs (249,211 acre-ft). When considering the distribution of this recharge between aquifers, Carter et al. (2001a) notes that both aquifers receive a similar volume of recharge from precipitation. However, recharge due to streamflow is thought to be slightly higher in the Madison aquifer due to the upgradient location of its outcrops (Carter et al. 2001a). Based on this Carter et al. (2001a) estimated that the Madison aquifer receives about 55% (137,066 acre-ft) and the Minnelusa aquifer receives about 45% (112,145 acre-ft) of the combined average annual recharge, although it is noted that this is subject to temporal and spatial variability based on outcrop patterns. The amount of recoverable water in storage for the Madison aquifer in western South Dakota is estimated at 644,827,200 acre-feet of which an estimated 9,446,400 acre-feet is in Lawrence county (Allen et al., 1985). However, due to the large amount of heterogeneity in the characteristics of the Madison aquifer water availability at any one location is subject to variability. Putnam and Long (2007) observe this in the wide ranges of well yields present in the aquifer with the majority of yields ranging from 10 to 200 gallons per minute and some well yields ranging from 400 to 1,750 gallons per minute.

The Water Rights program monitors 26 observation wells in the Madison aquifer. The nearest observation wells to the well location for this application are MD-86A ($\approx$ 3.3 miles to the northwest) and MD-90A ($\approx$ 4.6 miles to the south southeast). The hydrographs for these observation wells are shown in Figures 2 and 3. In examining Figures 2 and 3, these hydrographs demonstrate increased water levels in the aquifer when compared to the start of the period of record, even with increasing development in the aquifer. The temporal effects of well withdrawals are masked by the impact of climatic conditions on the aquifer. This indicates that at the current level of development climatic conditions govern water levels in the aquifer. These hydrographs also demonstrate the response of the aquifer in this area to climatic.

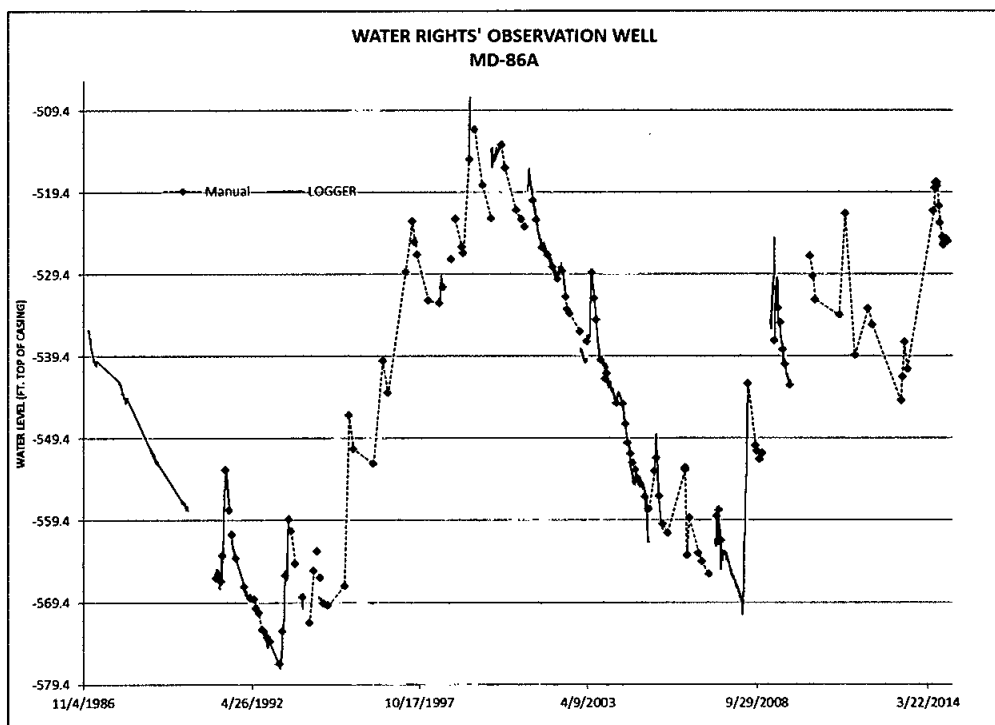


Figure 2: Observation well hydrograph MD-86A (Water Rights, 2015a)

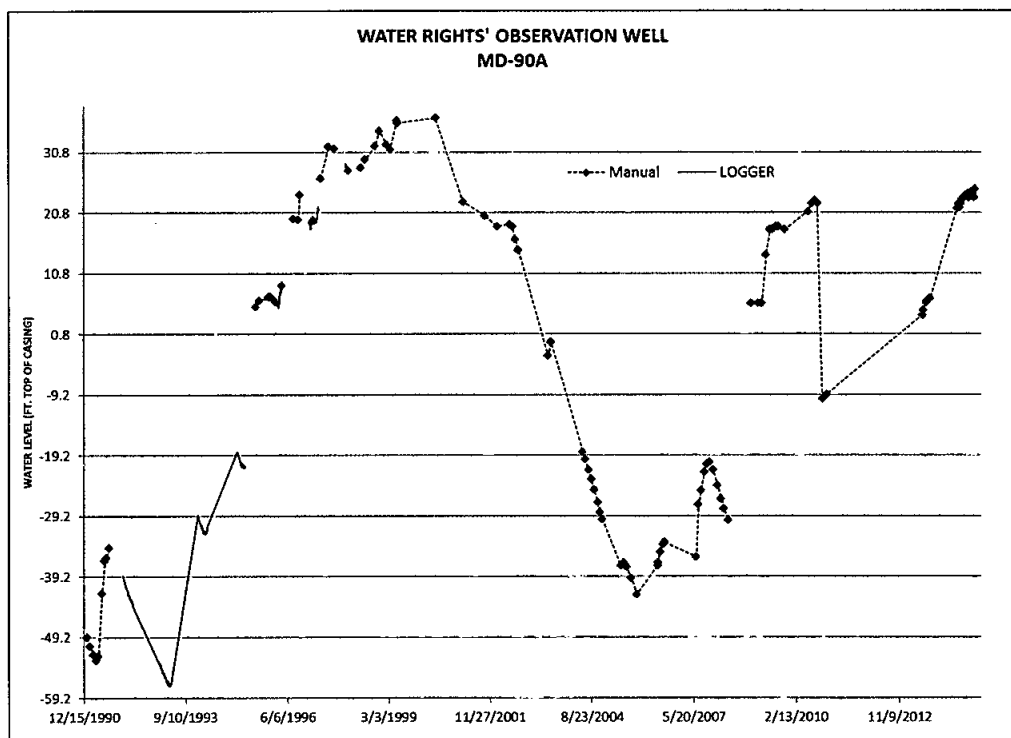


Figure 3: Observation well hydrograph MD-90A (Water Rights, 2015a)

The well completion report for this application indicates that the top of the Madison is at about 820 feet below grade. The static water level for this application was about 595 feet below

grade on 1/2/2015. The location for this well is about 0.9 miles to the east of the Madison outcrop (Carter and Redden, 1999 as digitized by Williamson et al., 2000). In the Report to the Chief Engineer on Water Permit No. 1758-1 Buhler (2001) notes that the presence of Tertiary igneous rock to the west of the Madison outcrop in this area may be the cause of a lower potentiometric surface in this area than what would be expected in reference to regional information.

South Dakota Codified Law (SDCL) 46-2A-9

Pursuant to SDCL 46-2A-9, a permit to appropriate water may be issued only if there is a reasonable probability that there is unappropriated water available for the applicant's proposed use, that the proposed diversion can be developed without unlawful impairment of existing rights and that the proposed use is a beneficial use and in the public interest. This report will address the availability of unappropriated water and existing rights from the aquifer that are pertinent to this application.

Water Availability

Water Permit Application No. 1951-1 proposes to appropriate water from the Madison aquifer. The probability of unappropriated water available from an aquifer can be evaluated by considering SDCL 46-6-3.1 which requires "No application to appropriate groundwater may be approved if, according to the best information reasonably available, it is probable that the quantity of water withdrawn annually from a groundwater source will exceed the quantity of the average estimated annual recharge of water to the groundwater source. An application may be approved, however, for withdrawals of groundwater from any groundwater formation older than or stratigraphically lower than the Greenhorn formation in excess of the average estimated annual recharge for use by water distribution systems." Here, the Madison aquifer is older than the Greenhorn Formation. Additionally, pursuant to SDCL 46-1-6 (17) a water distribution system is defined as "a system of piping, valves, storage tanks, pumps, and appurtenances by which water is conveyed for domestic or municipal use by a common distribution system, including a municipality as defined in § 9-1-1, a nonprofit rural water supply company as defined in § 10-36A-1, a water user district as defined in § 46A-9-2, a sanitary district as defined in chapter 34A-5, or homes, including mobile homes as defined in § 32-3-1, and manufactured homes as defined in § 34-34A-1.1 supplied by a common distribution system." Included with this application is a copy of the certification of an owner-occupied dwelling at this location, since this well would also be serving the domestic needs of the owner this would be a water distribution system pursuant to SDCL 46-1-6 (17). Additional the information supplied by the applicant indicates that there are people living at the campground, further indicating that this is a water distribution system.

Existing Water Rights/Permits

The approximate diversion points for area water rights/permits completed into the Madison aquifer are shown in Figure 4. The nearest water rights/permits completed into the

Madison aquifer to the well location for this application are Water Right No. 1635-1 (≈ 0.6 miles to the northwest) and Water Right No. 1601-1 (≈ 0.6 miles to the southeast). Due to the relatively low diversion rate requested by this application (0.022 cfs) Application No. 1951-1 is not expected to adversely impact existing water rights/permits completed into the Madison aquifer or water rights/permits completed into other aquifers in the area. The now cancelled Water Permit No. 1758-1 for No Name City Luxury Cabins and RV was contested. There have been no additional water permits for the Madison aquifer issued for the area near this well site since the issuance of Water Permit No. 1758-1 (Water Rights, 2015b).

There are several well completion reports on file with the SDDENR-Water Rights Program within two miles of the proposed well location for this application that could be completed into the Madison aquifer, however many of the well completion reports in this area are for overlying aquifers. Since the Madison aquifer is under confined conditions at the well location for this application, drawdown as a result of pumping is likely. The precise amount and radius of drawdown cannot be quantified without aquifer testing, especially considering the large variability in aquifer characteristics.

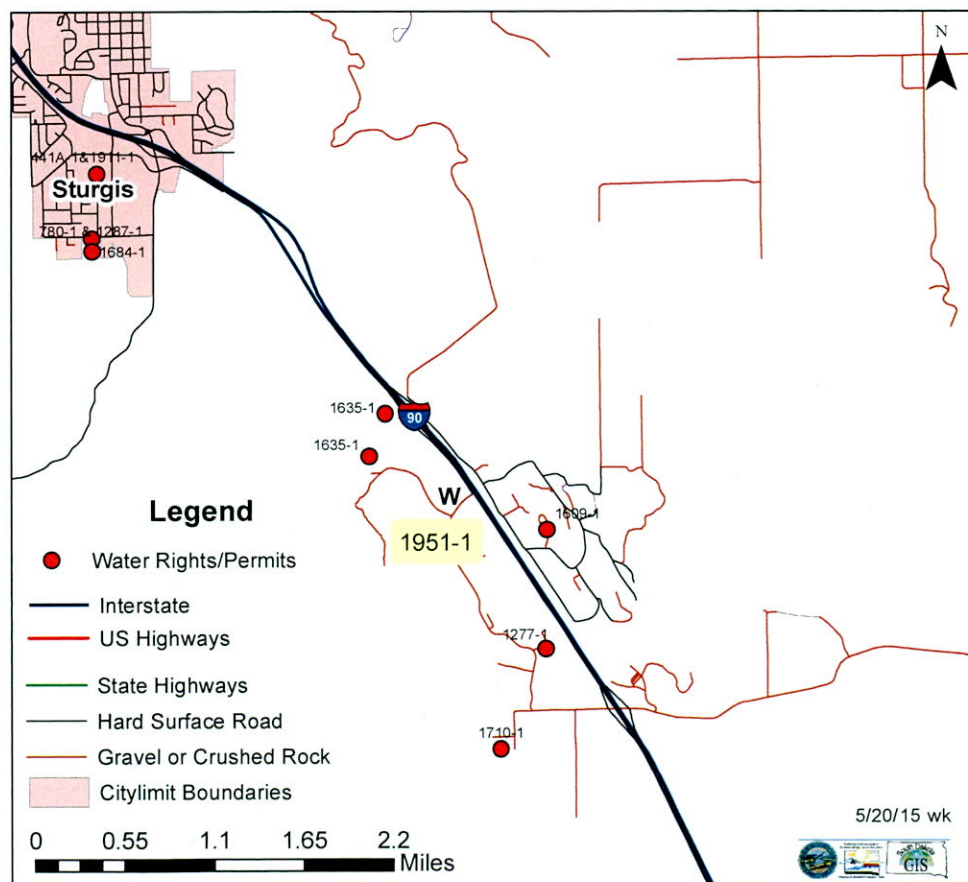


Figure 4: Approximate diversion points for water rights/permits completed into the Madison aquifer in the area of this application (Water Rights, 2015b).

An adequate well as defined by South Dakota Administrative Rules is “a well constructed or rehabilitated to allow various withdrawal methods to be used, to allow the inlet to the pump to be placed not less than 20 feet into the saturated aquifer or formation material when the well is constructed, or to allow the pump to be placed as near as possible to the bottom of the aquifer as is practical if the aquifer thickness is less than 20 feet.” In the past the Water Management Board has recognized that to place water to maximum beneficial use a certain amount of drawdown may occur. In the case of Water Permit Application No. 2313-2 for the Coca-Cola Bottling Company of the Black Hills the Water Management Board adopted findings that noted that if the increased costs or decreased production as a result of the impacts of legitimate users on artesian head pressure could be considered an adverse impact it would conflict with SDCL 46-1-4 (Water Rights, 1995). SDCL 46-1-4 requires the water resources of the state be put to beneficial use to the maximum extent of which they are capable (Water Rights, 1995). Additionally pursuant to SDCL 46-6-6.1 artesian head pressure is not protected as a means of groundwater delivery.

Wastewater

No Name campground has several approved wastewater systems. Total graywater system capacity is 4,000 gallons (Hipple, 2015). For septic systems there are a 1,100 gallon MDF (maximum daily flow) septic system approved in 1999, a 1,820 gallon MDF house/RV system approved in 2005, and a North system at 3,504 gallon MDF approved in 2005 (Hipple, 2015).

Term Limitation on Madison Water Permits

In considering water permits of the Madison aquifer that involve the construction of new wells, pursuant to SDCL 46-2A-20, “...no water permit for construction of works to withdraw water from the Madison formation in Butte, Fall River, Custer, Lawrence, Meade and Pennington counties may be issued for a term of more than twenty years, unless the Water Management Board determines, based upon the evidence presented at a hearing that:

(1) Sufficient information is available to determine whether any significant adverse hydrologic effects on the supply of water in the Madison formation would result if the proposed withdrawal were approved; and

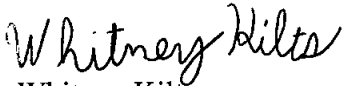
(2) The information, whether provided by the applicant or by other means, shows that there is a reasonable probability that issuance of the proposed permit would not have a significant adverse effect on nearby Madison formation wells and springs.”

Additionally pursuant to SDCL 46-2A-21, “At the end of the twenty-year limitation, the board may cancel a permit or amend the permit with a new term limitation of up to twenty years, if the board is unable to make a finding after notice and hearing that sufficient information is available to delete the term limitation.”

Evidence is not available to justify issuing this permit without the 20 year term limit.

Conclusions

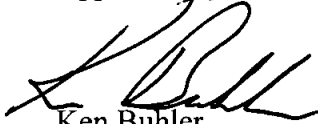
1. Water Permit Application No. 1951-1 proposes to appropriate water from the Madison aquifer at a rate of 0.022 cfs for commercial use. The well depth for this application is 1,090 feet located in the NW ¼ SW ¼ Section 25-T5N-R5E.
2. Since the Madison aquifer is older than the Greenhorn Formation and a water distribution system is involved, the recharge/withdrawal issue need not be considered.
3. This application is not expected to adversely impact existing adequate wells.



Whitney Kilts

SDDENR-Water Rights Program

Approved by



Ken Buhler

SDDENR-Water Rights Program

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RECEIVED

JUN - 8 2015

WATER RIGHTS
PROGRAM

NOTICE OF
APPLICATION
NO. 1951-1 to
Appropriate Water

Notice is given that No Name City Luxury Cabins & R.V., c/o R.J. Ludwick, 20899 Pleasant Valley Dr, Sturgis SD 57785 has filed an application for a water permit to appropriate 0.022 cubic feet of water per second (10 gallons per minute) from one well completed into the Madison Aquifer (1090 feet deep) located in the NW 1/4 SW 1/4 Section 25-T5N-R5E for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1951-1 subject to a 20 year term pursuant to SDCL 46-1-14 and 46-2A-20 because 1) although evidence is not available to justify issuing this permit without a 20 year term limitation, there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 15, 2015.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Information concerning this application is available at <http://denr.sd.gov/public>. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pimer, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of \$24.42.

#478
June 3

Affidavit of Publication

STATE OF SOUTH DAKOTA:

COUNTY OF LAWRENCE:

Letitia Lister of said County and State being first duly sworn, on her oath says: That the BLACK HILLS PIONEER is a legal daily newspaper of general circulation, printed and published in the City of Spearfish, in said County and State by Letitia Lister, and has been such a newspaper during the times hereinafter mentioned; and that said newspaper has a bonafide circulation of at least 200 copies weekly, and has been published within said County in the English language for at least one year prior to the first publication of the notice herein mentioned, and is printed in whole or in part in an office maintained at the place of publication; and that I, Letitia Lister, the undersigned, am the Publisher of said newspaper and have personal knowledge of all the facts stated in this affidavit; and that the advertisement headed:

Notice Of Application
No. 1951-1

a printed copy of which is hereto attached, was printed and published in said newspaper for 1 successive and consecutive weeks, the first publication being made on the 3rd day of June, 2015, and the last publication on the day of , , that the full amount of fees charged for publishing same, to-wit: The sum of \$ 25.22 insures solely to the benefit of the publisher of the BLACK HILLS PIONEER, that no agreement or understanding for a division thereof has been made with any person and that no part thereof has been agreed to be paid to any other person whomsoever.

Subscribed and sworn to before me this 4th day of June, 2015

Orville Richards

Notary Public, Lawrence County, South Dakota

My commission expires: 10-24-2016

Affidavit of Publication

RECEIVED

JUN 24 2015

WATER RIGHTS
PROGRAM

June 10 L20938384
NOTICE OF APPLICATION
NO. 1951-1 to
Appropriate Water

Notice is given that No Name City Luxury Cabins & R.V., c/o R.J. Ludwick, 20899 Pleasant Valley Dr, Sturgis SD 57785 has filed an application for a water permit to appropriate 0.022 cubic feet of water per second (10 gallons per minute) from one well completed into the Madison Aquifer (1090 feet deep) located in the NW 1/4 SW 1/4 Section 25-T5N-R5E for commercial use.

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The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Information concerning this application is available at <http://denr.sd.gov/public>. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

STATE OF SOUTH DAKOTA

County of Meade

SS:

Mary Lee being first duly sworn, upon his/her oath says: That he/she is now and was at all time hereinafter mentioned, an employee of the Rapid City Journal, a corporation of Rapid City, South Dakota, the owner and publisher of the MEADE COUNTY TIMES, a legal and daily newspaper printed and published in Sturgis, in said County of Meade, and has full and personal knowledge of all the facts herein stated as follows: that said newspaper is and at all of the times herein mentioned has been a legal and daily newspaper with a bonafide paid circulation of at least Two Hundred copies weekly, and has been printed and published in the English language, at and within an office maintained by the owner and publisher thereof, at Sturgis, in said Meade County, and has been admitted to the United States mail under the second class mailing privilege for at least one year prior to the publication herein mentioned; that the advertisement, a printed copy of which, taken from said Meade County Times, the paper in which the same was published, is attached to this sheet and made a part of this affidavit, was published in said paper once each week for one successive week, the first publication there of being on the 10th day of June that the fees charged for the publication there of are Thirty Seven dollars and eighty-two cents.

Mary Lee

Subscribed and sworn to before me this sixteenth day of June, 2015.

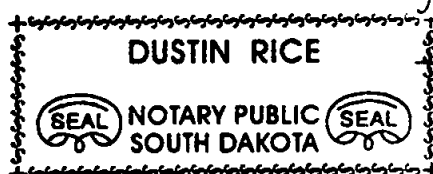
Dustin Rice

Notary public

DUSTIN RICE

My Commission Expires
July 1, 2020

My commission expires





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

May 27, 2015

Meade County Times & Tribune
1022 Main St
Sturgis SD 57785

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 1951-1 to Appropriate Water. Please publish the notice once on June 3, 2015. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

The applicant must verify to you that the notice is to be published and arrange for payment. **Please BILL the APPLICANT for the cost of publication.** The APPLICANT is No Name City Luxury Cabins & R.V., c/o R.J. Ludwick, 20899 Pleasant Valley Dr, Sturgis SD 57785 (Ph # 605-347-8891).

Please send the Water Rights Program an affidavit or the enclosed Proof of Publication form immediately.

The applicant pays the cost of publication, but the Water Rights Program records require an affidavit or Proof of Publication. Delays in receiving the affidavit can be costly to the applicant.

Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

May 27, 2015

Black Hills Pioneer
PO Box 7
Spearfish SD 57783

ATTENTION: Legal Public Notice

Enclosed is a Notice on Application No. 1951-1 to Appropriate Water. Please publish the notice once on June 3, 2015. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352.

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Sincerely,

Eric Gronlund
Natural Resources Engineer
605 773-3352

enclosures



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

**NOTE: TO BE SURE OF PUBLICATION ON
THE CORRECT DATES, CONTACT
THE NEWSPAPER(S) RIGHT AWAY.**

May 27, 2015

No Name City Luxury Cabins & R.V.
R.J. Ludwick
20899 Pleasant Valley Dr
Sturgis SD 57785

Dear Mr. Ludwick:

Water Permit Application No. 1951-1 for commercial use has been examined and found to comply with the South Dakota Water Laws and applicable rules. A notice has been sent to the Meade county Times & Tribune printed at Sturgis SD (Ph # 605-347-2503) and the Black Hills Pioneer printed at Spearfish SD (Ph # 605-642-2761). You will need to contact the newspaper(s) and authorize publication of this notice. For your information, a copy of the notice, the recommendation of the Chief Engineer and report on the application are enclosed. Please review the notice prior to publication and notify this office, if you have any corrections or questions.

Be sure to contact the above newspaper(s) to authorize publication of your Notice and to arrange for payment. Early contact with the paper(s) can eliminate delays. Upon receiving authorization from you, the publisher has been instructed to publish your notice. The newspaper has also been instructed to send us the Proof of Publication. We must receive Proof of Publication before action can be taken on the application.

Sincerely,

Eric Gronlund
Natural Resources Engineer
(605) 773-3352

enclosures

NOTE: If you plan to contest any part of the Chief Engineer's recommendation, you must file a petition pursuant to the procedures outlined in the attached notice of hearing. The Water Management Board will then consider your concerns during a hearing on the application.

Instruction to Newspaper - Publish the Notice on June 3, 2015. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 1951-1 to Appropriate Water

Notice is given that No Name City Luxury Cabins & R.V., c/o R.J. Ludwick, 20899 Pleasant Valley Dr, Sturgis SD 57785 has filed an application for a water permit to appropriate 0.022 cubic feet of water per second (10 gallons per minute) from one well completed into the Madison Aquifer (1090 feet deep) located in the NW 1/4 SW 1/4 Section 25-T5N-R5E for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1951-1 subject to a 20 year term pursuant to SDCL 46-1-14 and 46-2A-20 because 1) although evidence is not available to justify issuing this permit without a 20 year term limitation, there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 15, 2015.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Information concerning this application is available at <http://denr.sd.gov/public>. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of_____.

Schlaak, Karen

From: Schlaak, Karen
Sent: Wednesday, June 03, 2015 2:44 PM
To: Brandyn Crawford (Brandyn.Crawford@rapidcityjournal.com)
Subject: FW: 1951-1 Ludwick - No name city
Attachments: 1951-1public.short.docx

Attached is the notice that should be published in the Meade County Times Tribune on June 10, 2015. It is my understanding it didn't get published on the June 3rd. Please use the attached notice because there are time sensitive dates within the notice. I will contact the Ludwicks and let them know what happened. I am assuming they have contacted the paper to authorize publication and arrange for payment.

So in the future should we be mailing the letters and notices for all three of the papers listed below to you at the RCJ? I will try to remember to email right away also.

Sorry for the confusion, guess that is what happens when I have an afternoon off.

Karen Schlaak
Water Rights Program
523 E Capitol Ave
Pierre SD 57501
Phone: 605 773-3352

From: Jacobson, Gail
Sent: Wednesday, June 03, 2015 2:29 PM
To: Schlaak, Karen
Subject: FW: 1951-1 Ludwick - No name city

From: Brandyn Crawford [<mailto:Brandyn.Crawford@rapidcityjournal.com>]
Sent: Wednesday, June 03, 2015 2:27 PM
To: Jacobson, Gail
Subject: RE: 1951-1 Ludwick - No name city

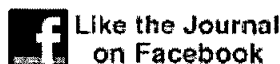
If we could maybe have these emailed and mailed it would make the process easier and less cluttered.

Here are all the email addresses for the three papers –

Rapid City Journal: legals@rapidcityjournal.com
Meade County Times: MCTT.News@rapidcityjournal.com
Butte County Post: BCP.News@rapidcityjournal.com

Thank You,

*Brandyn Crawford
Marketing & Branding Director
Office – (605) 394-8334
brandyn.crawford@lee.net*



Shoot for the moon. Even if you miss, you'll land among the stars. ~Les Brown

From: Jacobson, Gail [<mailto:Gail.Jacobson@state.sd.us>]
Sent: Wednesday, June 03, 2015 1:26 PM
To: Brandyn Crawford
Subject: RE: 1951-1 Ludwick - No name city

ok, I'll forward this to Karen who does these.

From: Brandyn Crawford [<mailto:Brandyn.Crawford@rapidcityjournal.com>]
Sent: Wednesday, June 03, 2015 2:16 PM
To: Jacobson, Gail
Subject: RE: 1951-1 Ludwick - No name city

No because this paper went to press on Friday at 10am, and I didn't get the paperwork from the applicant until Monday morning, and I never did receive the paperwork from the state, that's why I emailed for it!

Thank You,

*Brandyn Crawford
Marketing & Branding Director
Office – (605) 394-8334
brandyn.crawford@lee.net*



Instruction to Newspaper - Publish the Notice on June 10, 2015. The applicant is responsible for payment. The text of the notice can be e-mailed to your paper by contacting Karen Schlaak at (605) 773-3352 or email: Karen.schlaak@state.sd.us.

NOTICE OF APPLICATION NO. 1951-1 to Appropriate Water

Notice is given that No Name City Luxury Cabins & R.V., c/o R.J. Ludwick, 20899 Pleasant Valley Dr, Sturgis SD 57785 has filed an application for a water permit to appropriate 0.022 cubic feet of water per second (10 gallons per minute) from one well completed into the Madison Aquifer (1090 feet deep) located in the NW 1/4 SW 1/4 Section 25-T5N-R5E for commercial use.

Pursuant to SDCL 46-2A-2, the Chief Engineer recommends APPROVAL of Application No. 1951-1 subject to a 20 year term pursuant to SDCL 46-1-14 and 46-2A-20 because 1) although evidence is not available to justify issuing this permit without a 20 year term limitation, there is reasonable probability that there is unappropriated water available for the applicant's proposed use, 2) the proposed diversion can be developed without unlawful impairment of existing rights, 3) the proposed use is a beneficial use, and 4) it is in the public interest. In accordance with SDCL 46-2A-23, the Chief Engineer will act on this application, as recommended, unless a petition is filed opposing the application or the applicant files a petition contesting the Chief Engineer's recommendation. If a petition opposing the application or contesting the recommendation is filed, then a hearing will be scheduled and the Water Management Board will consider this application. Notice of the hearing will be given to the applicant and any person filing a petition.

Any person interested in opposing or supporting this application or recommendation must file a written petition with BOTH the applicant and Chief Engineer. The applicant must file a petition if contesting the Chief Engineer's recommendation. The Chief Engineer's address is "Water Rights Program, Foss Building, 523 E Capitol, Pierre SD 57501 (605 773-3352)" and the applicant's mailing address is given above. A petition filed by either an interested person or the applicant must be filed by June 22, 2015.

The petition may be informal, but must include a statement describing the petitioner's interest in the application, the petitioner's reasons for opposing or supporting the application, and the signature and mailing address of the petitioner or the petitioner's legal counsel, if legal counsel is obtained. Information concerning this application is available at <http://denr.sd.gov/public>. Contact Eric Gronlund at the above Water Rights Program address to request copies of information pertaining to this application. Steven M. Pirner, Secretary, Department of Environment and Natural Resources.

Published once at the total approximate cost of _____.

6/3/15

Called
Roger Ludwick
told him would
be publish week later
in Meade Co Times



DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182

denr.sd.gov

AUG 04 2015

No Name City Luxury Cabins & RV
R J Ludwick
20899 Pleasant Valley Dr
Sturgis SD 57785

Dear Mr. Ludwick:

Enclosed is Water Permit No. 1951-1 authorizing construction of the water diversion system and beneficial use of the water, not exceeding the limits as specified in the Water Permit.

Form 10, *Notice of Completion of Works and Application of Water to Beneficial Use*, is enclosed. Please return this completed form after you have finished the system and have put the water to beneficial use. An investigation can then be scheduled so the water license may be issued, thus completing the acquisition of a water right.

An informational sheet *Common Water Right Questions?* is also enclosed. This sheet is intended to answer some of the questions associated with obtaining and keeping a water right.

Sincerely,

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

Report of Examination of Works and/or Application of Water to Beneficial Use For Permit No. 1951-1

I have this day, July 5, 2017 made a thorough examination of the water use system constructed by **No Name City
Luxury Cabins and RV, 20899 Pleasant Valley Dr., Sturgis, SD 57785** of Permit No. **1951-1**, bearing the
priority of **3/6/2015** authorizing the diversion of **.022** cu. ft. per second of the water from one well for **commercial**
purposes, in **Meade** County.

Inspection contact & relationship to permit holder, if applicable:

Roger Ludwick, owner
605-490-8909

A. Works used to divert the water:

Well Information:

- 1) Well Drilling Firm: Rapid Drilling (2015)
- 2) No. of Wells 1
- 3) Depth(s) 1,090 feet
- 4) Well log is available Yes

Casing:

- 1) Diameter 5 ½ "
- 2) Length 840 feet
- 3) Type Steel

Screen:

- 1) Type open hole
- 2) Length 250 feet
- 3) Static water level 595 feet

Pump:

- 1) Make Unknown
- 2) Model Unknown
- 3) Size 4"
- 4) Capacity 10 GPM (The well air tested at 10 gpm at completion)
- 5) Horsepower rating -- hp

B. Works used to transport and apply water to beneficial use:

The well pumps to a 2,500 gallon cistern located adjacent to the well. A centrifugal booster pump draws from the cistern to supply the campground which includes 35 campsites, a shower house and an office/residence.

C. Compliance with Permit Requirements:

- 1) Permit qualifications being abided by: Yes, (reporting water use)
- 2) Exceptions to compliance are: none

D. Condition and Location:

1. The system is in good condition with the point of diversion located as follows:
1,840' N and 332' E of the SW corner Section 25 T5N R5E (44.363705, -103.46791)
2. The works are capable of diverting and conveying to the place of use .022 cu. ft. per second (10 gpm) of water which is to be used for **commercial** use and the license should be issued for .022 cfs.
3. All structures, wells and lands on map: **No, only the well location.**

E. Comments or other permit(s) associated with the project: none



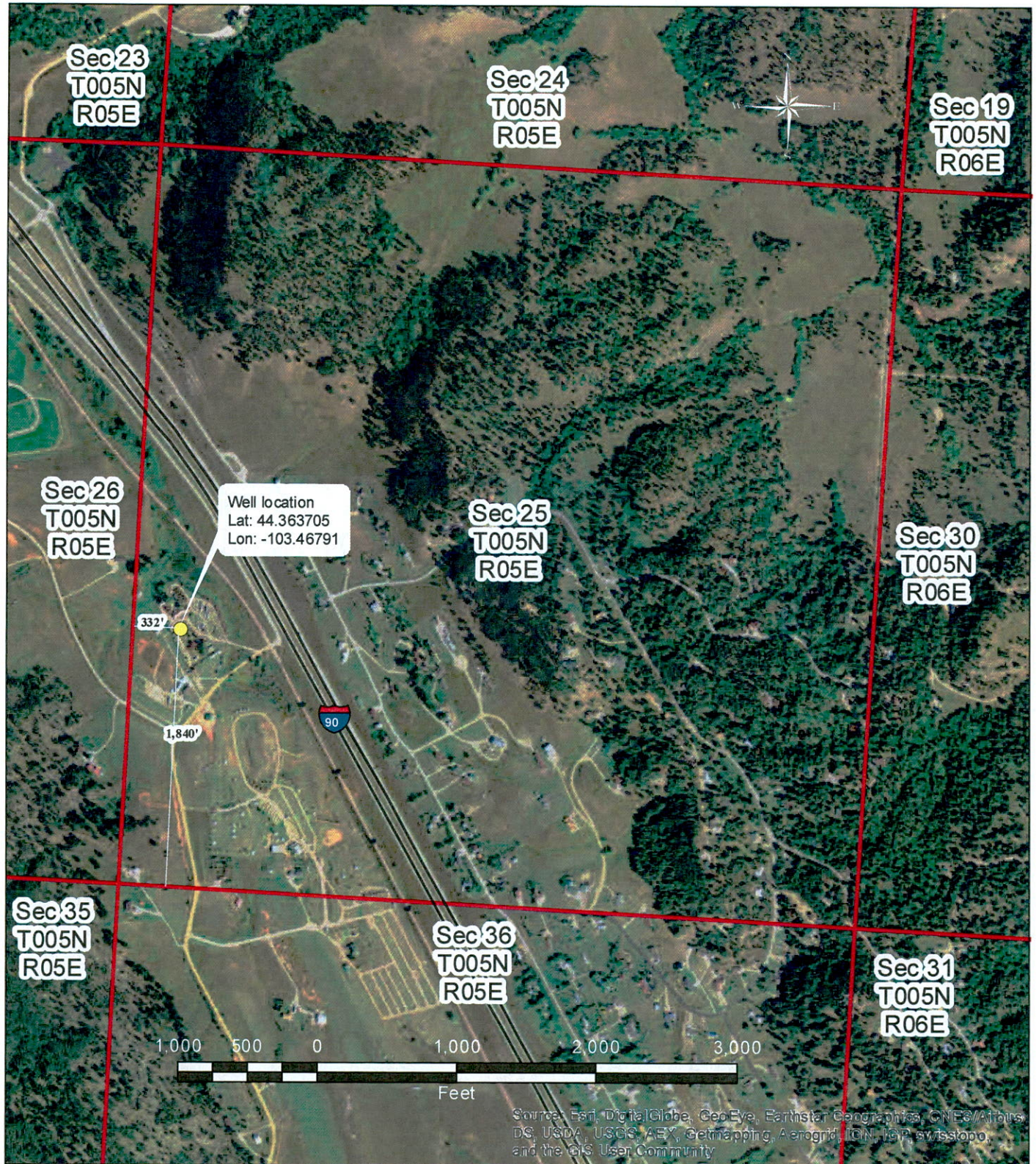
Steven Quissell
Water Rights Inspector
DENR, Water Rights Program

Date report completed: July 6, 2017

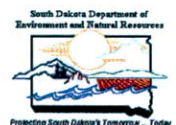


Well head with cistern and booster pit in background

Water Right # 1951-1
No Name City, Luxury Cabins & RV
7/5/2017



Steven Quissell
Water Rights Inspector
DENR Water Rights Program



1951-1

SD EForm - 1311LD V1

Form 10

NOTICE OF COMPLETION OF WORKS AND
APPLICATION OF WATER TO BENEFICIAL USE

MAIL TO: PMB 2020
DENR - Water Rights Program
523 E Capitol Ave
Pierre, SD 57501-3182
ph. (605) 773-3352

Date July 5, 2017

FROM: Roger Ludwick (No Name City G.G.)
(name)
20899 Pleasant Valley Dr.
(address)
Hurgis S.D. 57785 _____
(city) (state) (zip) (phone)

I have completed the construction of the water use system and I have put the water to beneficial use to the maximum extent it is going to be used.

Water Permit No. 1951-1 states that the water use system is to be constructed by
6/22/2020, and water is to be put to beneficial use by 6/22/2024
(date) (date)

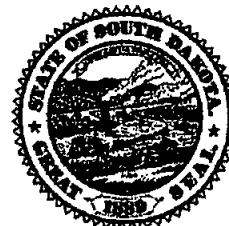
The water use system was completed on _____
(date)

Applying the water to beneficial use was completed on _____
(date)

You may schedule an investigation so that the water license may be issued.

Roger Ludwick

X



STATE OF SOUTH DAKOTA
WATER LICENSE NO. 1951-1

(1) No Name City Luxury Cabins & RV, 20899 Pleasant Valley Dr., Sturgis SD 57785 made Application No. 1951-1, March 6, 2015 for a water permit to divert 0.022 cubic feet of water per second from ground water, one well (Madison Aquifer), Meade County, South Dakota for commercial purposes. Permit No. 1951-1, with a priority date of March 6, 2015 was approved June 22, 2015 and issued to the applicant for diversion of water with construction of the described water supply system to be completed on or before June 22, 2020 and for the application to beneficial use of said water on or before June 22, 2024.

(2) It is certified that the permit holder has complied with the provisions of South Dakota State Law relating to completion of the water supply system and is entitled to divert 0.022 cubic feet of water per second for beneficial use. The location of the diversion point is 1,840'N and 332'E of the SW corner of Section 25, T5N, R5E (NW ¼ SW ¼) (44.363705, -103.46791)

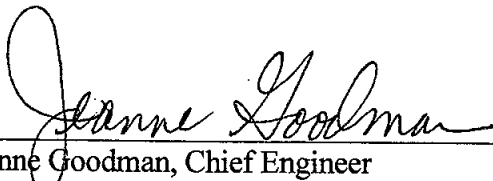
(3) The permit holder has complied with the provisions of South Dakota State Law relating to the application of water to beneficial use.

(4) Pursuant to South Dakota Water Law 46-5-30.1 No Name City Luxury Cabins & RV, 20899 Pleasant Valley Dr., Sturgis SD 57785 the holder and/or owner of Water Right No. 1951-1 is issued a license to appropriate water, the right to use 0.022 cubic feet of water per second from ground water, one well (Madison Aquifer) with a priority date of March 6, 2015 from the location specified in (2) of this license for commercial purposes.

This license is subject to South Dakota Water Law, any limitations or conditions listed in Water Right No. 1951-1 and subject to the following qualifications:

- In accordance with SDCL 46-1-14 and 46-2A-20, Permit No. 1951-1 is issued for a twenty year term. Pursuant to SDCL 46-2A-21, the twenty year term may be deleted at any time during the twenty year period or following its expiration. If the twenty year term is not deleted at the end of the term, the Permit may either be cancelled or amended with a new term limitation of up to twenty years. Permit No. 1951-1 may also be cancelled for non-construction, forfeiture, abandonment or three permit violations pursuant to SDCL 46-1-12, 46-5-37, 46-5-37.1, and Board Rule ARSD 74:02:01:37.
- The well approved under this Permit will be located near domestic wells and other wells which may obtain water from the same aquifer. The well owner under this Permit shall control his withdrawals so there is not a reduction of needed water supplies in adequate domestic wells or in adequate wells having prior water rights.
- The well authorized by Permit No. 1951-1 shall be constructed by a licensed well driller and construction shall comply with Water Management Board Well Construction Rules, Chapter 74:02:04 with the well casing pressure grouted (bottom to top) from the producing formation to the surface pursuant to Section 74:02:04:28. ***The well was drilled by Rapid Drilling in January, 2015. A copy of the well completion report is on file with the Water Rights Program.***

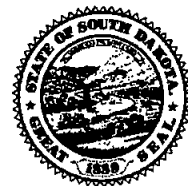
- Water Right No. 1951-1 authorizes a total annual diversion of 3.1 acre feet of water annually from the Madison Aquifer.
- The Water Right Holder shall report to the Chief Engineer annually the amount of water withdrawn from the Madison Aquifer.



Jeanne Goodman, Chief Engineer
Water Rights Program
Department of Environment and Natural Resources

AUG 03 2017

date





DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES

JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE SOUTH DAKOTA 57501-3182
<http://denr.sd.gov>

AUG 03 2017

1951-1

Roger Ludwick
No Name City Luxury Cabins & RV
20899 Pleasant Valley Dr
Sturgis SD 57785

Dear Mr. Ludwick:

Enclosed is Water License No. 1951-1. This is the final water right document completing your process of obtaining a Water Right. Included with your license is a map prepared by the staff engineer who conducted the field investigation.

For your information SDCL 46-6-27 requires that if in the future, the owner of an existing well, constructs a replacement well and does not plan to use the old well, the old well is considered abandoned and must be plugged. Also, any well that is being used or is not considered abandoned must be valved and controlled, if flowing, or sealed and capped so that no leaking occurs either underground or at the surface.

As long as you use the water beneficially, as stated in the Water License, the State Water Laws provide that you have a continuing right to use the water. If you have any questions, please contact our office.

Sincerely,

A handwritten signature in black ink that reads "Jeanne Goodman".

Jeanne Goodman, Chief Engineer
Water Rights Program
(605) 773-3352

enclosures

1951-1



DENR
SOUTH DAKOTA

**DEPARTMENT of ENVIRONMENT
and NATURAL RESOURCES**
JOE FOSS BUILDING
523 EAST CAPITOL
PIERRE, SOUTH DAKOTA 57501-3182
denr.sd.gov

January 28, 2021

No. 1951-1

Sherry Baumgardner
No Name City Luxury Cabins & RV
20899 Pleasant Valley Dr
Sturgis SD 57785

Dear Ms. Baumgardner:

Enclosed is a partially completed "Notice of Transfer" form for use in filing an ownership change on Water Right No. 1951-1. Also enclosed is a copy of Water Right No. 1951-1 for your records.

The transfer form should be completed, checked over for accuracy, and **signed by the new owner**. Upon completion, return the form to our office with a required filing fee of \$50.00.

If you have any questions, please contact me.

Sincerely,

Karen Schlaak

Karen Schlaak
Water Rights Program
605 773-3352
email: karen.schlaak@state.sd.us

enclosures



1951-1

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

April 28, 2021

1951-1

Sherry Baumgardner
No Name City Luxury Cabins & RV
20899 Pleasant Valley Dr
Sturgis SD 57785

Dear Ms. Baumgardner:

In January 2021 you notified us that you owned the commercial business described in Water Right No. 1951-1. A transfer of ownership form was sent to you January 28th and to date, we have not received anything back from you.

Enclosed is another partially completed "Notice of Transfer of Ownership" form for use in filing an ownership change. Please review and complete as needed. Upon completion, please sign and return the form to our office with a required filing fee of \$50. The check or money order for the fee can be made payable to the Water Rights Program.

If I can answer any questions for you, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosure

1951-1

RECEIPT

WATER RIGHTS PROGRAM

South Dakota Department of Agriculture and Natural Resources

Date May 10, 2021

RECEIVED OF No Name City Resort LLC 3911 City View Drive Rapid City SD 57701

The following amount in fees for services rendered as provided for by law:

Fee for Application for Permit No. _____ to Appropriate Water, to construct and to put water to beneficial use	\$ _____
Fee for Application for Permit No. _____ to Appropriate Water for Future use	\$ _____
Fee to retain Future Use Permit No. _____ after period of seven years.	\$ _____
Fee for Inspecting Constructed Works, confirming beneficial use and issuing Water License No. _____	\$ _____
Fee for Filing Transfer Form <u>1951-1</u>	\$ <u>50.00</u>
Fee for _____	\$ _____
Fee for Issuing New Well Driller's License No. _____	\$ _____
Fee for Renewal of Well Driller's License No. _____	\$ _____
Fee for Issuing Well Pump Installer's License No. _____	\$ _____
Fee for Renewal of Well Pump Installer's License No. _____	\$ _____
(Any Other Work Provided by Law) TOTAL	\$ <u>50.00</u>

By Eric Gronlund
Chief Engineer
vm

PAID

MAY 7 2021

Ck# 1193

NOTICE OF TRANSFER OF OWNERSHIP

RECEIVED

MAY 07 2021

WATER RIGHTS
PROGRAM

To: Chief Engineer
Water Rights Program, DANR
523 E. Capitol
Pierre, SD 57501-3181

No. 1951-1

Date: _____

I/We request that Water Right No. 1951-1

formerly owned by: Roger & Tanya Ludwick dba No Name City Luxury Cabins & RV

be transferred to: (name & address) Darrell & Sherry Bumgardner
dba No Name City Resort LLC
20899 Pleasant Valley Dr. Sturgis, SD 57785 Telephone No. 605-347-8891

Title to the following described land(s)/property has been transferred as described above:

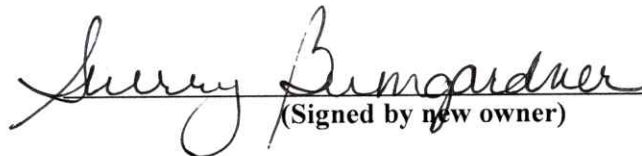
Well located in the SW ¼ Section 25, T5N, R5E

I/We understand that the validity of Water Right No. 1951-1 has not been determined by this transfer action. If I/We have any questions on validity, I/We understand that only the Water Management Board has the authority to determine if a water permit/right is valid (see note).

You are requested to file this "Notice of Transfer" in the appropriate file with the Water Rights Program, as evidence of the change of ownership.

A fee of Fifty Dollars (\$50.00) is required to cover the filing fees as required under SDCL 46-2-13. This form must be signed by the new owner.

I/We Sherry Bumgardner, the new owner, certify that the above information is true and correct.


(Signed by new owner)

NOTE: Water permits may be cancelled for nonconstruction after the five year construction period has expired. Once a water permit is developed and the water used, the permit becomes a right. A water right may be lost for three reasons:

1. Abandonment - no intent to use water and use is abandoned.
2. Forfeiture - no use of water for three year period without legal excuse.
3. For a third violation of a condition of a water permit/right.



OFFICE OF THE SECRETARY OF STATE

STEVEN J. BARNETT, SECRETARY OF STATE

JASON LUTZ, DEPUTY SECRETARY OF STATE

Filing Information

Name: **No Name City Resort, LLC**

General Information

SOS Business ID DL181602
Filing Type: Limited Liability Company - Domestic
05/14/2020
Status: Good Standing
Duration Term: Perpetual
Managed By: Member-Managed

Registered Agent Address

Sherry Bumgardner
3911 CITY VIEW DR
RAPID CITY, SD 57701

Principal Address

20899 PLEASANT VALLEY DR
STURGIS, SD 57785

The following document(s) was/were filed in this office on the date(s) indicated below:

Date Filed	Filing Description	Image #
04/26/2021	2021 Annual Report	B0178-4348
05/14/2020	Initial Filing	B0138-5042



1951-1

**DEPARTMENT of AGRICULTURE
and NATURAL RESOURCES**

JOE FOSS BUILDING
523 E. CAPITOL AVE
PIERRE SD 57501-3182
danr.sd.gov

May 10, 2021

1951-1

Sherry & Darrell Bumgardner
No Name City Resort LLC
20899 Pleasant Valley Dr
Sturgis SD 57785

Dear Mr. & Mrs. Bumgardner:

Thank you for sending in the transfer form and filing fee for changing ownership on Water Right No. 1951-1.

The ownership change has been completed. Water Right No. 1951-1 formerly held by Roger & Tanya Ludwick dba No Name City Luxury Cabins & RV is now listed "**Darrell & Sherry Bumgardner, dba No Name City Resort LLC**".

Enclosed is a receipt for the filing fee you paid. If I can answer any questions for you, please let me know.

Sincerely,

Genny McMath
Water Rights Program
605 773-3352
Genny.mcmath@state.sd.us

enclosure